

Remarks/Arguments

With reference to the Office Action mailed March 28, 2006, Applicants offer the following remarks and argument.

Status of the Claims

The Office Action of March 28, 2006

The claims were rejected as unpatentable over U.S. Published Patent Application 2001/0037254-A1 to Glikman for System And Method For Assisting A Customer In Purchasing A Commodity Using A Mobile Device.

Claims 4-8, 12-13, and 15 were rejected under 35 USC §112 (Second Paragraph) as to the meaning of “order confirmation.”

Claim 43 was rejected under 35 USC §101 as directed to non-statutory subject matter.

The Art of Record

The primary reference, United States Patent Application 20010037254, Glikman, System And Method For Assisting A Customer In Purchasing A Commodity Using A Mobile Device, describes a system and method for assisting a customer in purchasing a commodity using a mobile device in online and physical worlds. The method includes visiting a vendor; selecting a commodity of the vendor for purchase; providing the vendor with mobile device information associated with the mobile device; sending a message to the mobile device associated with the mobile device information. The message includes the purchase amount; and the method further includes the steps of

confirming the purchase amount by a mobile user of the mobile device; and billing a mobile account associated with the mobile device for the purchase amount.

Numbered paragraph [0040] is particularly relied upon in the Office Action. This paragraph recites:

[0040] An example of the operation of the system of the present invention will be described now for illustrative purposes. According to the present invention, a customer uses a customer device 100, such as a personal computer, to access the vendor device 300, such as a web server hosting the vendor's web site, through the network 200, such as the Internet. Once connected to the vendor's web site, the customer selects particular commodities that the customer desires to purchase. Then, the vendor device 300 connects to the processing device 400. The processing device 400 generates a web page, which prompts the customer for information on the mobile device 600. The mobile device 600 may be a mobile phone owned by the customer or, alternatively, owned by someone who knows the customer. The customer may be asked for information, such as a unique subscriber identification number and/or the name of the carrier associated with the mobile phone. Once the customer enters this information, the processing device 400 sends the purchase amount in a message to the mobile phone through the carrier network 500. The user of the mobile phone is prompted to confirm the purchase amount and if confirmed, the purchase amount is charged to the mobile account associated with the mobile device 600. At the same time, the customer is presented with a web page displayed on the customer device 100 notifying the customer of the status of the transaction.

Applicants' Claimed Invention

At a high level Applicants' claims are directed to a method, system, and program product for completing and securely paying for e-commerce transactions.

As described in numbered paragraphs [0008]-[0011] of Published Application US2001/0037264

“[0008] An inherent problem of e-commerce over the internet is the payment process. In most cases the customer is required to enter credit-card details (e.g., the card number, the name of the card holder, and the card's expiry date) ;into an electronic for and transmit the data—in the best case encrypted—over the internet to the merchant who is supposed to deliver. The problem with this solution is manifold:

“[0009] The customer has to entrust the credit card details to the merchant; not only can the merchant then potentially use the credit card details for other purposes, the customer also has to trust the merchant to protect the credit car data adequately. Recent events have shown that assumption to be a risky one. Even though the customer at least has the remedy of disputing the purchase and have the credit card company cancel the transaction, the customer nevertheless carries the burden and risk.

“[0010] The merchant incurs the risk of accepting forged credit card details and delivers without getting reimbursed by the credit card company. The remedy of obtaining clearance from the credit card company is not always economical and typically time-consuming.

“[0011] Payment by credit card is too expensive for small amounts of money.”

Various third party intermediary payment processes have been proposed to address these issues. Typically, these third party intermediary payment processes have required the payor (purchaser) to entrust his credit card number or bank account number to the third party intermediary. However, these third party intermediary payment processes still require the payor's divulgation of his credit card number or bank account number to the seller.

By way of contrast, Applicant provides a cell phone based solution that uses telephone carrier servers, routers, and functionality (such as caller ID). At a high level Applicants' claims are directed to a method, system, and program product for completing and paying for e-commerce transactions through the buyer's/payor's cell phone account, personally identified to the buyer/payer (through the user's caller ID), via the buyer's/payor's cell phone provider as the financial and information intermediary.

Specifically, Applicants' claims are directed to payment for an e-commerce transaction via the payor's (purchaser's) cell phone provider. This is done by the purchaser authorizing a charge to his cell phone account, with the cell phone provider providing transaction confirmation to the seller (through the buyer's Caller ID), confirming payment to payee (seller), and thereafter making payment to the payee (seller).

Applicants claim a method, system, and program product for handling order confirmations and e-commerce payments by and through the buyer's/payor's mobile phone carrier system. As claimed, the payment process is initiated for a customer who orders a deliverable through a merchant system at a certain price. The customer has access to both a customer system and a mobile phone (identified to the customer, that is,

the buyer/payor) with an associated phone number, and a caller ID provides a means of reasonably secure and trusted confirmation.

The buyer obtains transaction information for the ordering of the deliverable from the merchant system. The seller obtains the phone number of the mobile phone (for example, through a "caller ID" system) and sends an order confirmation for the deliverable to the mobile phone using the so-identified phone number.

The buyer receives the order confirmation through the mobile phone.

When the buyer/payor enters a code on the mobile phone, this initiates a charge to the buyer's/payer's mobile phone bill. Specifically, the charge is billed to the mobile phone account of the mobile phone user identified to the phone, that is, customer who ordered the deliverable and whose caller ID matches the caller ID of the buyer who purchased the good or service. The mobile phone bill is maintained by the mobile phone carrier system for the mobile phone with the certain price; and sending an order confirmation or payment confirmation to the merchant system.

This is disclosed in numbered paragraph [0065]-

[0065] The merchant system 45 provides the customer with a confirmation address. In the present example, this confirmation address is a special callin, phone number provided by the merchant system 45. For this purpose, the merchant system 45 has a callin unit 55 that is connected to the fixed telephone network 56. The customer confirms the order by dialing this special callin number with the mobile phone 43. A connection is established from the mobile phone 43 via a wireless channel to a base station. The base station feeds the call into the fixed telephone network 56 The server 46 monitors the incoming call indications ("caller ID"). The merchant system. 45 keeps a list of open transactions and the respective mobile phone numbers of the associated customers in database 58. The server 46 compares the customers response

(received from the callin unit 55 via link 59) with the entries in the database 58. Once the customers response e.g., the customer's caller ID) is matched with an entry in the database 58, the merchant system 45 considers the open transaction associated with the mobile phone 43 to be successfully closed (confirmed). The merchant system 45 triggers the charging of the amount due to the customer via the mobile phone carrier's billing system where the customer is uniquely identified through the mobile phone number. For this purpose, the sever 46 may connect to the server 49, e.g., via a leased line 5 . The carrier system 48 comprises a printer 50 that is controlled by a billing software residing on the server 49 The billing software sends a print job to the printer 50 to generate a bill 51. This bill 51 is sent to the customer by regular mail, as schematically depicted by the arrow 52. One has many different options as the when and how to create the bill. The billing software may comprise an accrual module which collects all items that need to be bill on a percustomer basis. At the end of an accounting period, e.g. at the end of each month, the bill may be created, printed and send to the customer. This approach is acceptable if the deliverables are not too expensive. For more expensive deliverables, it is appropriate to issue a bill right away. Delivery of the deliverable may even be conditioned on the payment of the bill. The carrier may also subcontract/outsource the bill handling procedures to a trusted party. The present scheme remains more or less the same, except for the fact that the necessary information needs to be forwarded to the respective trusted party.

Numbered paragraph [0069] also describe a carrier's computer centric system and method, i.e., --

[0069] According to the above described embodiments, the carrier system handled the payment process mainly. In another embodiment of the present invention, the cater system can also carry out certain of the transaction closure steps. For this purpose, the merchant system may forward the details of an open transaction to the carrier system. The cater closes the transaction with the customer as described above In this case, the carrier system needs a special callin number and a callin unit that is able to monitor incoming calls. When the customer calls this callin number, the callin unit recognizes the caller ID and

notifies the carrier system's server. The open transactions are stored in a database in the carrier system. The server compares the caller with the entries in this database to complete a transaction. If the server is able to match the caller ID with an entry in the database a customer's order is deemed to be completed and the payment process is initiated. As part of this payment process, the carrier directly charges the amount due to the customer's phone bill. The carrier system also notifies the merchant system of the successful completion of the transaction and credits the merchant's account with the amount due. The merchant makes the deliverables) available to the customer.

Discussion

The overarching issue presented is that Glikman's (portable) browser dependent system does not anticipate does not anticipate Applicants' telephone carrier "exchange" centric system and method making use of caller ID.

Applicants' amended claims recite, at their core a secure e-commerce payment system through a buyer's cell phone carrier, where upon making a purchase the buyer/payor authorizes a charge to his cell phone account and confirms the transaction through caller ID, with the cell phone provider identifying the purchaser's confirmation and thereafter confirming payment to payee (seller), and then making payment to the payee (seller).

Applicants claim a method, system, and program product for handling order confirmations and e-commerce payments by and through the buyer's/payor's mobile phone carrier system utilizing the "processing" capability of the mobile phone carrier (i.e., caller ID) as distinguished from Glikman's use of web servers and browsers with high end PDA's and Blackberries.

While the buyer obtains transaction information for the ordering of the deliverable from the merchant system, the seller obtains the phone number of the cell phone (for example,

through a “caller ID” system) and sends an order confirmation for the deliverable to the mobile phone (43; 73) using the so-identified phone number.

The buyer receives the order confirmation through the cell phone, and enters a code on the cell phone, which is confirmed by the buyer’s “caller ID” and initiates a charge to the buyer’s/payer’s cell phone bill. The charge is billed to the cell phone account of the cell phone user identified to the phone, that is, customer who ordered the deliverable. The cell phone bill is maintained by the cell phone carrier system for the cell phone with the certain price; and sending an order confirmation or payment confirmation to the merchant system.

Glikman fails to teach a key element of Applicants’ claimed invention, specifically, the browser independent, web server independent “caller ID” means of confirmation.

Specifically, Glikman describes and claims the steps of generating a web page on a portable device. See, e.g., claim 1¹, claim 21², claim 22³, claim 23⁴, claim 24⁵, numbered

¹ 1. A system for assisting a customer in purchasing a commodity by using a mobile device, the system comprising: a customer device that accesses a vendor device through a computer network; a processing device that generates a web page to be displayed on the customer device prompting the customer for information on the mobile device, and upon receiving the information transmitting a purchase amount in a message to the mobile device through a carrier network; a computer network connected to the carrier network for connecting the customer device, the vendor device, and the processing device; and means for selecting a commodity from the vendor device, for connecting the vendor device to the processing device, for prompting the customer to confirm the purchase amount upon transmitting the message to the mobile device, and for charging the purchase amount to a mobile account associated with the mobile device if the purchase amount is confirmed.

² 21. A system for assisting a customer in purchasing a commodity by using a mobile device, the system comprising: a customer device that accesses a vendor device through a computer network; the vendor device that generates a web page prompting the customer for information on the mobile device and upon receiving the information transmits a purchase amount in a message to a mobile device through a carrier network; a computer network connected to the carrier network for connecting the customer device and the vendor device; and means for selecting a commodity from the vendor device, for prompting the customer to confirm the purchase amount upon transmitting the message to the mobile device and for charging the purchase amount to a mobile account associated with the mobile device if the purchase amount is confirmed.

³ 22. A method for assisting a customer in purchasing a commodity by using a mobile device, the method comprising the steps of: using a customer device to access a vendor device through a computer network; selecting a commodity on the vendor device for purchase; connecting the vendor device to a processing device and generating a web page in the processing device that prompts the customer for information regarding the mobile device; entering requested information on the mobile device; transmitting a purchase amount in a message to the mobile device through a carrier network; prompting the user to confirm the purchase amount; and charging the purchase amount to a mobile account associated with the mobile device if the purchase amount is confirmed.

⁴ 23. A system for assisting a customer in purchasing a commodity by using a mobile device, the system comprising: a vendor device that allows the customer to visit the vendor's online store, select a commodity on the vendor online store for purchase, and choose a mobile device payment option; a processing device that generates a web page prompting the customer for information on the mobile device, and upon receiving the information transmits a purchase amount in a message to a mobile device through a carrier network; a computer network connected to the carrier network for connecting the customer device, the vendor device, and the processing device; and means for connecting the vendor device to the processing device, for prompting the customer to confirm the purchase amount

paragraph [0014]⁶, numbered paragraph [0015]⁷, numbered paragraph [0040]⁸, numbered paragraph [0043]⁹, among many others. Almost every paragraph of Glikman speaks to web based confirmation of orders.

upon transmitting the message to the mobile device, and for charging the purchase amount to a mobile account associated with the mobile device if the purchase amount is confirmed.

⁵ 24. A system for assisting a customer in purchasing a commodity using a mobile device in online and physical worlds, comprising: a customer device for accessing a vendor device through a computer network to select particular commodities for purchase; a carrier network that is connected to a computer network; a processing device, including a user database, for generating a web page that prompts a customer for information; a mobile device for entering information requested on the web page and thereby purchasing the selected commodity; and means for connecting the vendor device to the processing device, wherein the vendor device and the processing device bill a mobile account associated with the mobile device for a purchase amount of the selected commodity.

⁶ [0014] To achieve these and other advantages in accordance with the purpose of the invention, as embodied and broadly described herein, the present invention provides a system for assisting a customer in purchasing a commodity by using a mobile device, the system comprising a customer device that accesses a vendor device through a computer network; a processing device that generates a web page to be displayed on the customer device prompting the customer for information on the mobile device, and upon receiving the information transmitting a purchase amount in a message to the mobile device through a carrier network; a computer network connected to the carrier network for connecting the customer device, the vendor device, and the processing device; and means for selecting a commodity from the vendor device, for connecting the vendor device to the processing device, for prompting the customer to confirm the purchase amount upon transmitting the message to the mobile device, and for charging the purchase amount to a mobile account associated with the mobile device if the purchase amount is confirmed.

⁷ [0015] In another aspect, the present invention provides a system for assisting a customer in purchasing a commodity by using a mobile device, the system comprising a customer device that accesses a vendor device through a computer network; the vendor device that generates a web page prompting the customer for information on the mobile device and upon receiving the information transmits a purchase amount in a message to a mobile device through a carrier network; a computer network connected to the carrier network for connecting the customer device and the vendor device; and means for selecting a commodity from the vendor device, for prompting the customer to confirm the purchase amount upon transmitting the message to the mobile device and for charging the purchase amount to a mobile account associated with the mobile device if the purchase amount is confirmed.

⁸ [0040] An example of the operation of the system of the present invention will be described now for illustrative purposes. According to the present invention, a customer uses a customer device 100, such as a personal computer, to access the vendor device 300, such as a web server hosting the vendor's web site, through the network 200, such as the Internet. Once connected to the vendor's web site, the customer selects particular commodities that the customer desires to purchase. Then, the vendor device 300 connects to the processing device 400. The processing device 400 generates a web page, which prompts the customer for information on the mobile device 600. The mobile device 600 may be a mobile phone owned by the customer or, alternatively, owned by someone who knows the customer. The customer may be asked for information, such as a unique subscriber identification number and/or the name of the carrier associated with the mobile phone. Once the customer enters this information, the processing device 400 sends the purchase amount in a message to the mobile phone through the carrier network 500. The user of the mobile phone is prompted to confirm the purchase amount and if confirmed, the purchase amount is charged to the mobile account associated with the mobile device 600. At the same time, the customer is presented with a web page displayed on the customer device 100 notifying the customer of the status of the transaction

⁹ [0043] WAP is an open and global specification that allows users of mobile devices to easily access and interact with information and services instantly. WAP is compatible with standard data link protocols and provides a complete set of network communication programs comparable to and supportive of the Internet set of protocols, for example. As a result, WAP is compatible with most wireless networks, such as Cellular Digital Packet Data (CDPD), CodeDivision Multiple Access (CDMA), Global System for Mobile communication (GSM), Personal Handyphone System (PHS), Time Division Multiple Access (TDMA), and Digital Enhanced Cordless Telecommunications (DECT), for example. WAP is compatible with existing Internet standards, such as XML, UDP, and IP, and is based on Internet standards, such as HTTP and TLS. In particular, Wireless Markup Language (WML), which is included within WAP, is a language that allows information from web pages to be presented to users of mobile devices via a carrier network. Many vendors have developed products that utilize the WAP standard. For example, Phone.com's UP.BROWSER.TM. is a WAPcompatible microbrowser and Phone.com's UP.LINK.TM. is a gateway that supports WAP. Many WAP gateways, such as UP.LINK.TM., translate information received from a web site that is in the HTML format to the WML format before sending that information to the mobile device 600.

The difference between applicant's "caller ID" compatible system and Glikman's web server and web browser based system is non-trivial. It is a significant difference. Thus, Glikman fails as a reference, and the fundamental flaw of Glikman can not be overcome without going against the specific words of Glikman.

Conclusion

Based on the above discussion, it is respectfully submitted that the pending claims describe an invention that is properly allowable to the Applicants.

If any issues remain unresolved despite the present amendment, the Examiner is requested to telephone Applicants' Attorney at the telephone number shown below to arrange for a telephonic interview before issuing another Office Action.

Applicants would like to take this opportunity to thank the Examiner for a thorough and competent examination and for courtesies extended to Applicants' Attorney.

Respectfully Submitted

Certificate of Mailing

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Certified Priority Mail (Certified Label 7005 1160 0002 0702 1701) in an envelope addressed to the Commissioner for Patents, Mail Stop Petition, PO Box 1450 Alexandria Virginia, 22313-1450

Date of deposit: September 27, 2006

Person mailing paper: Richard M. Goldman

Signature: 



Richard M. Goldman, Reg. # 25,585
371 Elan Village Lane, Suite 208
San Jose, CA 95134
Voice: 408-324-0716
Fax: 408-324-0672
E-mail: goldmanptn@aol.com